

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

FCC Seeks Comment and Data on Actions to)	
Accelerate Adoption and Accessibility of)	
Broadband-Enabled Health Solutions and)	GN Docket No. 16-46
Advanced Technologies)	
)	

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

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TABLE OF CONTENTS

I. THE FCC AND CONGRESS MUST PROMOTE BROADBAND AS A KEY DRIVER FOR IMPROVED HEALTH SERVICES TO ALL CONSUMERS.....	1
A. The FCC Should Foster Policies that Unlock Critical Spectrum Resources.....	2
B. The FCC Must Promote Network Deployment Necessary to Support Advanced Telehealth Technologies.	5
C. Targeted Universal Service Funding Will Deploy Networks Capable of Supporting Broadband-Enabled Health Technologies.....	7
D. Industry Consolidation is Stifling Competitive Carriers’ Ability to Access Content and Devices Necessary for Telehealth Solutions.....	9
II. CCA’S MEMBERS CONTINUOUSLY WORK TO DEVELOP AND DEPLOY ADVANCED TELEHEALTH SERVICES ACROSS THE UNITED STATES.....	9
III. CONCLUSION.....	12

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COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ applauds the Federal Communications Commission (“FCC” or “Commission”) and Connect2Health Task Force (“Task Force”) for laudable efforts to promote the advancement of broadband-enabled health technologies, and appreciates the opportunity to provide feedback on this important consumer initiative.² CCA generally supports the Commission’s “Broadband Health Imperative,”³ and provides targeted suggestions to enhance the deployment of robust, affordable, and innovative mobile broadband health technologies for all Americans.

I. THE FCC AND CONGRESS MUST PROMOTE BROADBAND AS A KEY DRIVER FOR IMPROVED HEALTH SERVICES TO ALL CONSUMERS.

CCA agrees that “broadband networks are increasingly important to our national well-being and everyday lives,”⁴ and applauds the Commission and especially Commissioner Clyburn for

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² *FCC Seeks Comment and Data on Actions to Accelerate Adoption and Accessibility of Broadband-Enabled Health Care Solutions and Advancement Technologies*, GN Docket No. 16-46 (rel. Apr. 24, 2017) (“Public Notice”).

³ *Id.* at 3.

⁴ *Id.* at 1-2.

its role to “improv[e] the quality of healthcare and enabling healthcare innovation through the universal service program, spectrum licensing, and other activities.”⁵ CCA likewise is encouraged that the Administration’s Fiscal Year 2018 budget proposal prioritizes improvements in broadband deployment, and includes “\$200 billion in outlays related to the infrastructure initiative.”⁶ To achieve this shared goal, CCA offers the following recommendations to further advancements in telehealth technology.

A. The FCC Should Foster Policies that Unlock Critical Spectrum Resources.

The Commission astutely seeks comment on ways to address regulatory barriers that hinder the deployment of advanced healthcare technologies and devices.⁷ First, competitive carriers must have access to low-, mid-, and high-band spectrum to deploy next-generation mobile broadband and, eventually, 5G networks. To that end, CCA applauds the conclusion of the 600 MHz incentive auction, which closed on March 30, 2017, with a gross revenue totaling nearly \$20 billion.⁸ The expeditious transition of spectrum to wireless use is key to future broadband deployment, and spectrum capacity will be critical to launching advanced medical technologies for all consumers. The FCC’s adopted, statutorily-based 39-month timeline, including Congress’s 36-month timeframe for broadcasters to submit requests for reimbursements,⁹ will achieve these goals and foster economic stimulation and job opportunities

⁵ *Id.*

⁶ U.S. Fed. Gov’t, The Budget for Fiscal Year 2018 at 19 (rel. May 23, 2017), *available at* <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/budget/fy2018/budget.pdf> (“FY 2018 Budget”).

⁷ *Id.* at 13, 15.

⁸ See FCC, “The Incentive Auction: ‘By the Numbers’” (Apr. 13, 2017).

⁹ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report & Order, 29 FCC Rcd 6567, 6796-802 ¶¶ 559-73 (2014) (“*Incentive Auction Order*”) (establishing a 39-month post-auction transition period for broadcasters that are assigned new channels in the repacking process, which includes a three-month period during which broadcasters will complete and file their construction permit applications followed by a 36-month period consisting of varied construction

across rural America.¹⁰ The FCC and Congress should continue to ignore frivolous requests to extend the repacking timeframe – any delay would be a detriment to consumers and the economy.¹¹

Further, CCA applauds proposals highlighted in the Public Notice, including initiatives outlined in Chairman Pai’s “Digital Empowerment Agenda” (“DEA”).¹² As Chairman Pai recognizes, the benefits of wireless broadband in rural America are boundless;¹³ but, carriers cannot make this future a reality without proper spectrum resources. CCA therefore supports the DEA’s proposal to create a “rural dividend” to supplement existing funding sources by setting aside 10% of the money raised from spectrum auctions for the deployment of mobile broadband in rural America.¹⁴ Likewise, the Commission should consider extending initial license terms to fifteen years, coupled with reasonable enhanced buildout obligations.¹⁵

Finally, as previously recommended,¹⁶ the Commission should address CCA’s Petition for Reconsideration in the *Spectrum Frontiers* proceeding to free up more spectrum for exclusively licensed mobile use, while protecting rural incumbents’ rights in the Local

deadlines). *See also Nat’l Ass’n of Broadcasters v. Fed. Commc’ns Comm’n*, 789 F.3d 165 (D.C. Cir. 2015) (upholding the FCC’s 39-month transition period).

¹⁰ Comments of Competitive Carriers Association, WT Docket No. 17-69 at 27-30 (filed May 8, 2017) (“CCA Mobile Competition Report Comments”).

¹¹ *See* Opposition to Petition for Reconsideration, Competitive Carriers Association, MB Docket No. 16-306, GN Docket No. 12-268 (filed Mar. 29, 2017) (“CCA Opposition”).

¹² Public Notice at 9; *and* remarks of then-FCC Commissioner Ajit Pai, “A Digital Empowerment Agenda,” The Brandery (Sept. 13, 2016), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-341210A1.pdf (“DEA”).

¹³ *Id.* at 5.

¹⁴ *Id.*

¹⁵ CCA Mobile Competition Report Comments at 30.

¹⁶ *Id.* at 26.

Multipoint Distribution Services (“LMDS”) band.¹⁷ The Commission also should deny satellite operator attempts to compromise mobile carrier rights throughout GHz spectrum, but especially in the LMDS band. In the context of broadband-enabled health technologies, specifically, the FCC acknowledges the likely “surge in demand” for spectrum for wireless medical devices and fully connected hospitals which can be addressed by a varied portfolio of spectrum that includes high-band resources in the 28 GHz and 39 GHz bands.¹⁸ While Satellite Broadband Companies may claim that 28 GHz spectrum is “least likely to be used for high-capacity 5G services,” especially in rural and remote areas, this assertion is simply inaccurate.¹⁹ Competitive carriers are already using this spectrum and investing in engineering solutions to optimize LMDS use throughout their rural and regional service footprints and have met buildout requirements for decades. As industry moves toward 5G, competitive carriers will require a variety of spectrum resources to meet these demands and further innovative telehealth-related applications and devices that span remote areas and are capable of transmitting life-saving services.²⁰ The Commission should reward risk and investment, and ensure critical spectrum resources are available to all carriers.²¹

¹⁷ *Use of Spectrum Bands Above 24 GHz For Mobile Radio Services et al.*, GN Docket No. 14-177 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 16-89 (WTB 2016).

¹⁸ Public Notice at 13.

¹⁹ *Ex parte* letter from Audrey Allison, Senior Director, Frequency Management Services, The Boeing Company *et al.*, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177 (filed May 9, 2017) (“Satellite Broadband Companies’ Letter”).

²⁰ Indeed, the FCC’s 2018 Budget Estimate proposes to require the auction of additional spectrum by 2027, and further extend the FCC’s auction authority. Due to a surge in demand for this resource, auction proceeds are expected to exceed \$6 billion in 2027. *See* Fed. Commc’n Comm., Fiscal Year 2018 Budget Estimate to Congress, *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-344998A1.pdf (“FCC 2018 Budget Estimate”).

²¹ *See* Letter from Petra A. Vorwig, Senior Legal and Regulatory Counsel, SES Americom, Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, *et al.* (filed April 14, 2017) (“Satellite Broadband Operators Ex Parte”); *see also* Comments of Competitive Carriers Association, IBFS FILE NO. SAT-LOA-20160622-00058 (filed Dec. 1, 2016) (opposing Boeing’s application to operate a non-

B. The FCC Must Promote Network Deployment Necessary to Support Advanced Telehealth Technologies.

CCA applauds the Commission for acknowledging the importance of ubiquitous broadband deployment as a foundation for advanced technologies, and recommends addressing certain regulatory barriers that currently hinder carriers' deployment efforts.²² First, it is time to update siting rules to account for new network construction paradigms and address longstanding inefficiencies.²³ Working in concert with Congress, the Commission should streamline siting procedures raised in the recent *Streamlining Public Notice*, and both Wireless and Wireline items adopted at the 2017 April Open Meeting.²⁴ Strong national siting standards are important to competitive carriers, who are severely taxed from both capital and personnel perspectives when forced to contend with varied siting rules between state and local authorities.²⁵

CCA also supports creation of "Gigabit Opportunity Zones" to provide tax credits for startup endeavors,²⁶ and commends Senator Shelley Moore Capito (R-WV) for putting some of

geostationary satellite orbit ("NGSO") fixed satellite service ("FSS") system in the 37.5-42 GHz, 47.2-50.2 GHz and 50.4-51.4 GHz bands and alter rules properly addressed in the *Spectrum Frontiers* proceeding).

²² Public Notice at 16.

²³ See, e.g., Comments of Competitive Carriers Association, WT Docket No. 16-421, et al., at 29 (filed Mar. 8, 2017) ("CCA Streamlining Comments") (describing how many competitive carriers encounter delays because local codes do not properly differentiate between macro and small cells); see also *id.* at 32-34 (listing the many local moratoria on processing siting applications, which operate to undermine the Commission's public interest mandate to expand broadband connectivity).

²⁴ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking and Notice of Inquiry, WT Docket 17-79 (rel. Apr. 21, 2017) ("Wireless Infrastructure NPRM"); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, WC Docket No. 17-84 (rel. Apr. 21, 2017) ("Wireline Infrastructure NPRM").

²⁵ See, e.g., CCA Streamlining Comments at 12, fn. 25 (explaining how certain counties in Virginia often fail to implement national rules, subjecting competitive carriers to "Special Use Permits" and public hearings); see also *id.* at 16-17 (describing now-stalled litigation between a competitive carrier and a southern city who imposed exorbitant right of way access fees on a "per foot" basis).

²⁶ Public Notice at 9. At the same time, while CCA agrees that certain tax credits should be included to support expanding and upgrading broadband infrastructure, the Commission must be aware that, due to

these ideas into legislative language in the Gigabit Opportunity Act.²⁷ At the same time, the creation of the Broadband Deployment Advisory Committee (“BDAC”) is a significant step toward streamlining infrastructure buildout.²⁸ CCA congratulates the Commission on promptly staffing the BDAC working groups, and is honored to serve on the Removing State and Local Regulatory Barriers Working Group,²⁹ which will help to foster industry collaboration and spur mobile broadband deployment across all areas of the United States.³⁰ As the Commission recognizes, broadband deployment is a public good, and facilitating network infrastructure to support advanced broadband-enabled healthcare technology and medical devices will drastically improve the lives of consumers, particularly those in rural and remote areas.³¹ In particular, smart reform of the Commission’s current infrastructure policies will advance telehealth services to reach those consumers who live many miles from a healthcare facility, improve distance coverage offered by mHealth applications, inspire greater network reliability especially for clinicians and patients using remote monitoring services, and facilitate the deployment of

lack of competition in the certain markets, facilities in rural America may never be profitable because of low population and the high costs of serving these areas. *See* Testimony of Steven K. Berry, CCA, Before the House Energy and Commerce Committee Hearing “Broadband: Deploying America’s 21st Century Infrastructure” at 6 (Mar. 10, 2017), *available at* <http://docs.house.gov/meetings/IF/IF16/20170321/105740/HHRG-115-IF16-Wstate-BerryS-20170321.pdf>.

²⁷ Press Release, *Capito Introduces Legislation to Accelerate Broadband Access in Rural America* (May 3, 2017), *available at* <https://www.capito.senate.gov/news/press-releases/capito-introduces-legislation-to-accelerate-broadband-access-in-rural-america>.

²⁸ Public Notice at 9. *See also* FCC News Release, *FCC Chairman Ajit Pai Announces Broadband Deployment Advisory Committee Members, Working Groups, and Leadership* (rel. Apr. 6, 2017).

²⁹ *FCC Announces the Membership of Two Broadband Deployment Advisory Committee Working Groups: Competitive Access to Broadband Infrastructure, and Removing State and Local Regulatory Barriers*, Public Notice, GN Docket No. 17-83 (rel. May 16, 2017).

³⁰ CCA Mobile Competition Report Comments at 9.

³¹ *See, e.g.*, Public Notice at 5-8.

comparable Internet of Things technologies including the capacity to engage in remote surgical techniques.

C. Targeted Universal Service Funding Will Deploy Networks Capable of Supporting Broadband-Enabled Health Technologies.

Many of CCA's members serve rural and remote areas solely, and CCA agrees that "broadband can be a game-changer particularly in [these] areas—where consumers often have to drive long distances to access critical or specialty care; and where isolated clinics and health centers can save lives and promote community health by using advanced communications technologies to connect with medical expertise not otherwise available."³² At the same time, the Public Notice acknowledges that certain barriers cut off rural and Tribal communities', often those who need it most, access to broadband-enabled telehealth technologies.³³ In addition to spectrum and infrastructure access, competitive carriers need federal funding to deploy, maintain, and upgrade mobile broadband networks in underserved and hard-to-serve areas. As the FCC notes, funding chasms can disincent clinicians, healthcare settings, and providers from extending broadband-enabled health technologies to consumers in hard-to-reach areas.³⁴ CCA therefore applauds the FCC's recent Mobility Fund II *Report and Order*,³⁵ which will make approximately \$4.53 billion available to fill coverage gaps over the next ten years. Alongside this initiative, Congress has rightly recognized that there are portions of the country that may never present a positive business case to provide comparable mobile broadband. CCA is

³² *Id.* at 16.

³³ *Id.* at 10, 11-12.

³⁴ *Id.* at 12.

³⁵ *Connect America Fund, Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90 & 10-208 (Mar. 7, 2017) ("*Report and Order*" or "*Further Notice*").

encouraged that the Administration’s FY 2018 Budget notes that “the Administration’s goal is to seek long-term reforms on how infrastructure projects are regulated, funded, delivered, and maintained. Simply providing more [f]ederal funding for infrastructure is not the solution. Rather, we will work to fix underlying incentives, procedures, and policies to spur better, and more efficient, infrastructure decisions and outcomes, across a range of sectors, including ... broadband and key [f]ederal facilities.”³⁶

Additionally, as noted in the FCC’s 2018 Budget Estimate,³⁷ the Universal Service Fund (“USF”) is critical to help bridge the digital divide, and while efforts like implementing a rural dividend as discussed above is a good first start, the Commission must explore ways to expand the USF contribution base to sufficiently provide service to the most remote and rural parts of America. The Commission should work with Congress to create tax incentives for wireless providers, especially credits that are rural-focused to spur investment. For example, CCA and ITTA recently submitted letters to the House Committee on Ways and Means, and the Senate Committee on Finance, asking that the Committees prioritize broadband investment by clarifying that funds received by companies from broadband programs such as the USF or future infrastructure funding mechanisms do not constitute taxable income.³⁸ Together, these efforts will provide a panacea to funding issues and foster broadband deployment. As the Commission makes clear, it is imperative that entities are provided the means necessary to offer telehealth technologies, particularly in unserved and underserved areas.³⁹

³⁶ FY 2018 Budget at 19.

³⁷ FCC 2018 Budget Estimate at 3.

³⁸ CCA and ITTA Letter to The Hon. Orrin Hatch, Chairman, Senate Committee on Finance, *et al.* (May 11, 2017); CCA and ITTA Letter to The Hon. Kevin Brady, Chairman, House Committee on Ways and Means, *et al.* (May 11, 2017).

³⁹ Public Notice at 3-8.

D. Industry Consolidation is Stifling Competitive Carriers' Ability to Access Content and Devices Necessary for Telehealth Solutions.

In addition to smart network policies and federal funding, advanced telehealth technologies will require devices and content to meet consumers' needs and demands. Unfortunately, access to these resources is increasingly threatened due to a rash of secondary market transactions, and media mergers initiated by AT&T and Verizon. As the Commission reviews these transactions and addresses technology issues in proceedings such as *Spectrum Frontiers*, it is vital that rules promote access to devices and content. This includes imposing interoperability requirements, where appropriate, and monitoring transactions that threaten access to content over wireless networks.⁴⁰ As the Commission recognizes, interoperability and reliability will be critical to ensure that medical devices used by patients in clinical and non-clinical settings are secure and can "seamlessly shar[e] and use [...] electronic health information."⁴¹ The FCC should take a proactive approach and consider the effects of potential mergers on competitive carriers' abilities to deploy next-generation technologies.

II. CCA'S MEMBERS CONTINUOUSLY WORK TO DEVELOP AND DEPLOY ADVANCED TELEHEALTH SERVICES ACROSS THE UNITED STATES.

With industry moving toward next-generation networks, consumers continue to benefit from the advent of transformative health technologies and application services, and CCA applauds the Commission's efforts to better understand these benefits.⁴² As noted herein, CCA's membership consists of many rural and regional carriers as well as vendors and suppliers that serve customers in remote locations, and recognize the critical role that telehealth and telemedicine programs, remote patient monitoring, electronic prescription services, and even

⁴⁰ CCA Mobile Competition Report Comments at 50-52.

⁴¹ Public Notice at 11, fn 46.

⁴² *Id.* at 10.

remote surgery can play for these consumers. For example, CCA member C Spire’s pilot program, the “Diabetes Telehealth Network,” seeks “to improve healthcare in rural Mississippi for underserved individuals struggling with chronic diabetes through remote monitoring and data analytics.”⁴³ Relying on high-speed mobile broadband communications, participants in the program were provided tablets to enable healthcare providers to remotely manage their patients, and automatically capture individual health data to deliver connected, collaborative and cost-effective care.⁴⁴

Another CCA member, General Communication, Inc. (“GCI”), has implemented a successful telehealth program: ConnectMD.⁴⁵ Through this program, GCI supports the delivery of telemedicine services such as remote patient monitoring to customers in Alaska – improving healthcare in areas that traditionally have few physicians and even fewer medical specialists in a variety of medical fields. In most instances, the ConnectMD network is the only way that rural Alaskans may gain access to specialists, and has allowed these communities to offer readily-available, cost-effective health services to their residents, eliminating any need for residents to take long and expensive trips for medical attention. Importantly, ConnectMD also accommodates patients with sudden symptoms, often developing treatment plans without the need for costly hospitalization.

Similarly, CCA supports the promotion of programs like iSelectMD, which offers mobile access to medical care through an online portal that connects patients to medical professionals in

⁴³ Press Release, C Spire, Groundbreaking Diabetes Telehealth Initiative Wins Major Industry Award From TMC (Jan. 14, 2016), *available at* https://www.cspire.com/company_info/about/news_detail.jsp?entryId=25000005.

⁴⁴ See C Spire, “C Spire Telehealth White Paper” (rel. Oct. 2015), *available at* https://www.cspire.com/resources/docs/csbs/CSBS_Telehealth_WhitePaper_201510.pdf.

⁴⁵ See GCI, ConnectMD, *available at* <http://www.connectmd.com/>.

their area, along with access to treatment plans and prescription medication when appropriate.⁴⁶ Many CCA members, including Bluegrass Cellular, Carolina West Wireless, and MTPCS, LLC engage in broadband health programs like iSelectMD, to ensure consumers in their network footprints continue to have access to the best service and programs available. As iSelectMD and the Center for Advancement of mHealth have indicated, such services offer an economic savings for the community and simultaneously enhance consumers' quality of life⁴⁷ by providing consumers direct access to doctors via wireless connectivity. In that same vein, Sprint has partnered with technology vendor IDEAL LIFE to provide devices that transmit patient monitoring data directly to patients' physicians and relevant family members.⁴⁸ Finally, Chat Mobility launched the "Heartland Mobile Health" initiative, a specially-equipped van that offers unique mobile health services and creates an "electronic medical record" for communities in rural and remote areas.⁴⁹

Importantly, these initiatives bridge the digital health divide by connecting rural residents with the same medical attention as is provided to their urban counterparts. As the Commission has recognized, these partnerships offer enormous benefits, including improving diagnoses and treatment, and trimming costs associated with travel and medical fees.⁵⁰ Without proper network capabilities, however, wireless providers' efforts could be thwarted. CCA encourages the FCC

⁴⁶ See iSelectMD, Revolutionizing and Reimagining Healthcare, *available at* <http://www.iselectmd.com/iselectmd-mobile/>.

⁴⁷ See Comments of Michael Iaquina, iSelectMD and the Center for the Advancement of mHealth, GN Docket No. 16-46 (filed May 19, 2017).

⁴⁸ Sprint, Solutions by Industry – Telehealth, *available at* http://shop.sprint.com/mysprint/services_solutions/details.jsp?detId=healthcare_telehealth&catId=industry_healthcare&catName=Healthcare&detName=Telehealth&specialCat=true.

⁴⁹ Eric Wicklund, "Bringing healthcare to the heartland," *Mobihealthnews* (May 28, 2015), *available at* <http://www.mobihealthnews.com/news/bringing-healthcare-heartland>.

⁵⁰ Public Notice at 6-7.

to heed the recommendations outlined above to promote and encourage additional telehealth projects in the near-term.

III. CONCLUSION.

CCA appreciates the opportunity to comment on the Commission's "Broadband Health Imperative," and aid the advancement of broadband-enabled health technologies for consumers. CCA looks forward to continued work with the Commission to promote robust, affordable broadband connectivity across all areas of the United States.

Respectfully submitted,

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